GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: Board of Zoning Adjustment

FROM: Ellen McCarthy
Director

DATE: January 26, 2005

SUBJECT: BZA Application **17284**
Modification Request - 3120 Pennsylvania Ave, S.E.

APPLICATION

The applicant, Miranda R. Brown, pursuant to 11 DCMR § 3103.2, requests a modification of plans under subsection 3125.8, for a four story single-family detached dwelling, that was approved under BZA Application No. 16929, dated November 22, 2002. The requested modification will allow the construction of a three-story single-family detached dwelling with mezzanine, in the R-1-B District, at premises 3120 Pennsylvania Avenue, S.E. (Square 5545, Lot 3).

SUMMARY RECOMMENDATION

The Office of Planning **recommends approval** of the modification of the original site plan submitted in BZA application #16929 to create a 4th floor mezzanine and enable completion of the single-family residence at 3120 Pennsylvania Avenue, S.E.

SITE AND AREA DESCRIPTION

The vacant lot at 3120 Pennsylvania Avenue is located in Square 5545 in the southeast quadrant of the District. The square is bounded by Q Street to the north, Pennsylvania Avenue to the south, Branch Avenue on the east and 31st Street on the west. The lot is surrounded by single-family homes in the Randle Highlands neighborhood and is zoned R-1-B. The square is west of the Penn Branch Shopping Center, which is located at the corner of Branch and Pennsylvania Avenues, S.E.

BZA
Case No. 17284
Exhibit No. 29

Board of Zoning Adjustment
District of Columbia
CASE NO. 17284
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BZA Application Case [redacted]17284
3120 Pennsylvania Ave., S.E. - Modification

BACKGROUND and ANALYSIS

The original application (BZA 16929) proposed the construction of a "barrier-free" residence to accommodate the special needs of the home's resident. The residence included a driveway to allow access and entry to the home when parked at the rear of the property and was designed to meet the minimum ADA requirements for doorways, hallways, windows and maneuvering clearances. Therefore, the following variances were requested:

- Variance of 20% from the lot width provisions (§401.3 of the R-1-B District) (50 feet required; 40 feet existing)
- Variance of 2.17 feet from the side yard requirements (§405.9) and (8 feet required; 5.83 inches proposed)
- Variance of 1000 square feet from the lot area requirements (§401.3) (5000 square feet required; 4000 square feet existing)

The Board granted the relief issued by Summary Order No. 16929 in October 2002. However, the applicant submits that DCRA requested a modification of the interior design of the dwelling, which converts the attic to a mezzanine. To comply with DCRA's request and satisfy the applicant's financial agreements the applicant needs the Board's approval of the modification, pursuant to Section 3125.8 of the Zoning Regulations.

Since the floor plans were integral to the relief granted and was filed as part of the record in the previous application, (#16929) any modification of previously submitted plans requires Board approval per **Section 3125.8**, which states:

> **An applicant shall be required to carry out construction, renovation, or alteration only in accordance with the plans approved by the Board, unless the Board orders otherwise.**

Submitted plans show the modification as an interior remodeling of the approved 4th floor/attic to create a mezzanine. **Section 3129.7** allows the Board to grant minor modifications that do not change the material facts the Board relied upon in approving the original application.

OP has no objection to the modification to permit the completion of the residence approved by the Board in October 2002. The interior modification does not affect the side yard variance or any other previously granted variance. In addition, no other relief due the mezzanine would be required since, **Section 199** states, "...a mezzanine shall not be considered a story in determining the maximum number of permitted floors."

Therefore, OP **recommends approval** of the request to permit the interior modification with the mezzanine, which would enable completion of construction of the previously approved residence.